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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,172

06/15/2006

Joachim Voigt

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ROBERT W. BECKER & ASSOCIATES

707 HIGHWAY 333

SUITE B

TIJERAS, NM 87059-7507

EXAMINER

NELSON JR, MILTON

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,172	Applicant(s) VOIGT ET AL.	
	Examiner Milton Nelson, Jr.	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-25 and 28 is/are rejected.
- 7) ☒ Claim(s) 26, 27 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/15/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/29/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed August 29, 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the patent number provided for patentee Kerekes et al is incorrect. The information referred to has not been considered as to the merits. All other citations have been considered.

The information disclosure statement filed on August 29, 2006 does not fully comply with the requirements of 37 CFR 1.98(b) because: See as described above. Since the submission appears to be *bona fide*, applicant is given **ONE (1) MONTH** from the date of this notice to supply the above mentioned omissions or corrections in the information disclosure statement. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b). Failure to timely comply with this notice will result in the above mentioned information disclosure statement being placed in the application file with the noncomplying information **not** being considered. See 37 CFR 1.97(i).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16, 19, 20, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Isono (4589695). Note the backrest (11), foam-filled air cushion arrangement (4, 5, 5, 6), centrally disposed air cushion (4), side air cushions (5, 5), foam (6), reclinability (see Figure 8), concave back recess (see Figure 4), wherein in an evacuated state the at least two side air cushions are disposed essentially flat below the cover, wherein the at least two side air cushions, in an evacuated state, and the one centrally disposed air cushion, in an inflated state, together form an essentially flat surface, device (41b) for generating a vacuum as a function of a control unit, and a device (50) for generating compressed air as a function of a control unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695). Isono shows all claimed structural features of the instant invention. Note as described above. Isono lacks the specifically recited method of adjusting a passenger seat steps. It would have been obvious, if not inherent, to one having ordinary skill in the pertinent art at the time of the instant invention to modify Isono by using the

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disclosed structure to adjust the passenger seat by the recited method steps. Such provides a method for selectively enhancing user comfort and support.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695) in view of Sekido (4965899). The primary reference shows all claimed features of the instant invention with the exception of the two side air cushions bordering against the centrally disposed air cushion. Note the discussion of the primary reference above. The secondary reference conventionally teaches configuring an air cushion arrangement such that two side air cushions border against a centrally disposed air cushion. Note Figure 25. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the two side cushions to border against the centrally disposed air cushion (i.e. to close the gaps between the cushions). Such enhances user comfort by removing the areas of non-inflation in order to provide a smoother contour to the air cushion arrangement.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695) in view of Cawley (4017118). The primary reference shows all claimed features of the instant invention with the exception of the two side air cushions laterally continuing the concave shape of the back recess and of evacuated ones of the at least one centrally disposed air cushion disposed in the backrest in an essentially uninterrupted manner. Note the discussion of the primary reference above. The

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secondary reference conventionally teaches configuring a backrest air cushion arrangement such that two side air cushions laterally continue a concave shape of a back recess and of an evacuated centrally disposed air cushion disposed in the backrest in an essentially uninterrupted manner. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the two side air cushions as laterally continuing the concave shape of the back recess and of evacuated ones of the at least one centrally disposed air cushion disposed in the backrest in an essentially uninterrupted manner. Such enhances user comfort by removing the areas of non-inflation in order to provide a smoother contour to the air cushion arrangement.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695) in view of France (2666974). The primary reference shows all claimed features of the instant invention with the exception of the cover being secured in a pull-resistant yet detachable manner to at least the two side air cushions so that upon evacuation of an air cushion the cover remains in contact therewith (claim 21), wherein the cover is secured in a pull-resistant yet detachable manner to the at least one centrally disposed air cushion (claim 22). Note the discussion of the primary reference above. The secondary reference conventionally teaches configuring a backrest air cushion arrangement such that the cover is secured in a pull-resistant yet detachable manner to at least the two side air cushions so that upon evacuation of an

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air cushion the cover remains in contact therewith, wherein the cover is secured in a pull-resistant yet detachable manner to the at least one centrally disposed air cushion. Note Figure 1. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the cover as secured in a pull-resistant yet detachable manner to at least the two side air cushions so that upon evacuation of an air cushion the cover remains in contact therewith (claim 21), wherein the cover is secured in a pull-resistant yet detachable manner to the at least one centrally disposed air cushion (claim 22). Such provides a means to selectively access the cushions under the cover, while maintaining a secure attachment between the cushions and the cover.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695) in view of Jensen (5433506). The primary reference shows all claimed features of the instant invention with the exception of the air cushions being self-inflating. Note the discussion of the primary reference above. The secondary reference conventionally teaches configuring a backrest air cushion arrangement such that the air cushions are self-inflating. Note Figure 1. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by substituting into the primary reference a self-inflating air cushion arrangement. This modification simplifies the inflating operation of the primary reference for reduced costs in manufacturing.

Allowable Subject Matter

Claims 26, 27 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Milton Nelson, Jr./
Primary Examiner, Art Unit 3636

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January 21, 2009